

HB1082_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.HB13-1082 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
 2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 19-1-306, amend
 4 (2) (a), (3), (5) (c) (I), (6), and (7) as follows:

5 **19-1-306. Expungement of juvenile delinquent records.**

6 (2) (a) AT THE TIME OF THE ADJUDICATION, the court shall advise THE
 7 ADJUDICATED JUVENILE AND any ~~person~~ RESPONDENT PARENT OR
 8 GUARDIAN of the right to petition the court for the expungement of such
 9 ~~person's~~ THE JUVENILE'S record. ~~at the time of adjudication, or~~ The court,
 10 on its own motion or the motion of the juvenile probation department, or
 11 the juvenile parole department, THE JUVENILE, A RESPONDENT PARENT OR
 12 GUARDIAN, OR A COURT-APPOINTED GUARDIAN AD LITEM, may initiate
 13 expungement proceedings concerning the record of any juvenile who has
 14 been under the jurisdiction of the court.

15 (3) AFTER EXPUNGEMENT, basic identification information on the
 16 juvenile and a list of any state and local agencies and officials having
 17 contact with the juvenile, as they appear from the records, shall not be
 18 open to the public but shall be available to a district attorney, local law
 19 enforcement agency, and the department of human services; except that
 20 such information shall not be available to an agency of the military forces
 21 of the United States.

22 (5) (c) The court may order expunged all records in the petitioner's
 23 case in the custody of the court and any records in the custody of any
 24 other agency or official if at the hearing the court finds that:

25 (I) The petitioner who is the subject of the hearing has not been
 26 convicted of, OR ADJUDICATED A JUVENILE DELINQUENT FOR, a felony
 27 OFFENSE or of a misdemeanor ~~and has not been adjudicated a juvenile~~
 28 ~~delinquent~~ OFFENSE INVOLVING DOMESTIC VIOLENCE, UNLAWFUL SEXUAL
 29 BEHAVIOR, OR POSSESSION OF A WEAPON since the termination of the
 30 court's jurisdiction or the petitioner's unconditional release from parole
 31 supervision;

32 (6) A person is eligible to petition for an expungement order:

33 (a) Immediately upon: ~~a finding of not guilty at an adjudicatory~~
 34 ~~trial;~~

35 (I) A FINDING OF NOT GUILTY AT AN ADJUDICATORY TRIAL;

36 (II) DISMISSAL OF THE PETITION IN ITS ENTIRETY AS A RESULT OF
 37 NONPROSECUTION OF THE OFFENSE; OR

38 (III) SUCCESSFUL COMPLETION OF A JUVENILE DIVERSION



1 PROGRAM, A DEFERRED ADJUDICATION, OR AN INFORMAL ADJUSTMENT;
2 (a.5) At any time for the purposes described in paragraph (d) of
3 subsection (5) of this section;
4 (b) One year from THE DATE OF:
5 (I) ~~The date of~~ A law enforcement contact that did not result in a
6 referral to another agency; OR
7 (II) ~~The completion of a juvenile diversion program or informal~~
8 ~~adjustment~~ TERMINATION OF THE COURT'S JURISDICTION OVER THE
9 PETITIONER AFTER SUCCESSFUL COMPLETION OF PROBATION;
10 (c) ~~Four~~ THREE years from the date of:
11 (I) ~~The termination of the court's jurisdiction over the petitioner;~~
12 (II) The petitioner's unconditional release from commitment to the
13 department of human services; or
14 (III) The petitioner's unconditional release from parole
15 supervision; OR
16 (IV) (Deleted by amendment, L. 96, p. 1163, § 6, effective
17 January 1, 1997.)
18 (d) ~~Ten~~ FIVE years from the date of THE TERMINATION OF THE
19 COURT'S JURISDICTION OVER THE PETITIONER OR THE PETITIONER'S
20 UNCONDITIONAL RELEASE FROM PROBATION OR PAROLE SUPERVISION,
21 WHICHEVER DATE IS LATER, IF:
22 (I) ~~The termination of the court's jurisdiction over the juvenile or~~
23 ~~the juvenile's unconditional release from parole supervision, whichever~~
24 ~~date is later, if the juvenile has been adjudicated a repeat, or mandatory,~~
25 VIOLENT, OR AGGRAVATED juvenile offender and if the juvenile has not
26 further violated any criminal statute; OR
27 (II) THE JUVENILE HAS BEEN ADJUDICATED FOR AN OFFENSE
28 INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION
29 16-22-102 (9), C.R.S., THE JUVENILE HAS SUCCESSFULLY COMPLETED
30 OFFENSE-SPECIFIC TREATMENT AS ORDERED BY THE COURT, AND THE
31 JUVENILE HAS NOT FURTHER VIOLATED ANY CRIMINAL STATUTE.
32 (7) The following persons are not eligible to petition for the
33 expungement of any juvenile record:
34 (a) ~~Any person who has been adjudicated as an aggravated~~
35 ~~juvenile offender or a violent juvenile offender;~~
36 (b) ~~Any person who has been adjudicated for an offense that~~
37 ~~would constitute a crime of violence under section 18-1.3-406, C.R.S.;~~
38 ~~had the person been an adult at the time the offense was committed;~~
39 (c) Any person who, as a juvenile, has been charged by the direct
40 filing of an information in the district court or by indictment pursuant to
41 section 19-2-517, unless the person was sentenced as a juvenile in the

1 same matter;

2 (d) Any person who has been adjudicated for an offense involving
3 ~~unlawful sexual behavior as defined in section 16-22-102 (9), C.R.S.~~

4 **SECTION 2.** In Colorado Revised Statutes, 19-1-304, **amend** (1)
5 (b.5) (II) (A) as follows:

6 **19-1-304. Juvenile delinquency records.** (1) (b.5) **Arrest and**
7 **criminal records - certain juveniles - public access - information**
8 **limited.** The public has access to arrest and criminal records information,
9 as defined in section 24-72-302 (1), C.R.S., and including a person's
10 physical description, that:

11 (II) Concerns a juvenile who:

12 (A) Is adjudicated a juvenile delinquent or is subject to a
13 revocation-of-probation PETITION for committing the crime of possession
14 of a handgun by a juvenile or for committing an act that would constitute
15 a ~~class 1, 2, 3, or 4~~ CLASS 1 OR 2 felony or would constitute any crime that
16 involves the use or possession of a weapon if such act were committed by
17 an adult; or

18 **SECTION 3. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2014 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor."

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